



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fourth Regular Session

10:00 A.M.

TUESDAY, February 1, 2000

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Clausung, Cowles, Darling, Decker, Drzewiecki, Ellis, Erpenbach, Farrow, Fitzgerald, George, Grobschmidt, Huelsman, Jauch, A. Lasee, Lazich, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Rude, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment silent meditation.

The Senate remained standing and Senator Huelsman led the Senate in the pledge of allegiance to the flag of the United States of America.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 353

Relating to: funding for food pantries, granting rule-making authority and making an appropriation.

By Senators George, Moore, Burke, Baumgart, Robson, Plache, Grobschmidt, Wirch and Rosenzweig; cosponsored by Representatives Young, Bock, La Fave, Ryba, Staskunas, Riley, Turner, Black, Hahn, Plouff, Sinicki, Richards, Kreuser, Hasenohrl, J. Lehman and Berceau.

To committee on **Human Services and Aging**.

#### Senate Bill 354

Relating to: collection of data concerning motor vehicle stops, law enforcement training standards and granting rule-making authority.

By Senators Moore, George and Plache; cosponsored by Representatives Young, Turner, Colon, Riley, Morris–Tatum, Coggs, Williams, Bock, Richards, Wasserman, Black, Miller, Pocan, Berceau, Schooff, Boyle, Ryba and Klusman.

To committee on **Judiciary and Consumer Affairs**.

#### Senate Bill 355

Relating to: increasing the recycling fee imposed on the disposal of solid waste.

By Senator Robson; cosponsored by Representative Black.

To committee on **Agriculture, Environmental Resources and Campaign Finance Reform**.

#### Senate Bill 356

Relating to: applicability of the local governmental unit negotiation and cost-recovery process for contaminated property.

By Senators Wirch, Huelsman and Schultz; cosponsored by Representatives Jensen, Vrakas, Pettis, Kelso, Stone, Gundrum, Kedzie, Ladwig, Owens, Kreuser, Duff, Hoven, Olsen, Walker, Turner, Staskunas, Musser, Kreibich, Sykora, Spillner, Albers and Porter.

To committee on **Economic Development, Housing and Government Operations**.

#### Senate Bill 357

Relating to: an agreement between the state and tobacco product manufacturers; classification and elements of felony offenses and certain misdemeanor offenses; modification of a bifurcated sentence in certain cases; revocation of extended supervision; the creation of a sentencing commission and temporary sentencing guidelines; legislative procedure for criminal penalties bills; assistant district attorney positions for certain counties; releasing information from the sex offender registry to school district administrators and parents, guardians and legal custodians of children; achievement guarantee contracts; authorizing digital television conversion projects; funding for gaming law enforcement operations, general program operations of the state lottery, lottery retailer compensation, lottery vendor fees, the farmland tax relief credit, costs of administration, administration of the lottery and gaming credit; prescription drug assistance for elderly persons; funding for the badger care health care program; funding for food pantries; requiring insurance coverage of certain immunizations for children; creating an office of public intervenor in the department of justice; bonding authority under the Warren Knowles–Gaylord Nelson stewardship 2000 program; shared revenue payments to counties and municipalities, circuit court support payments, financial assistance for local recycling programs, community aids, youth aids; transferring certain consumer protection functions performed by the department of agriculture, trade and consumer protection to the department of justice; the composition of the board of agriculture, trade and consumer protection; distribution of national forest income payments from the federal government; restoring the school property tax rent credit; granting bonding authority; granting rule-making authority; making appropriations; and providing penalties.

By Senators Chvala, Burke, Risser, Moen and George.

To joint committee on **Finance**.

### **Senate Bill 358**

Relating to: animal health testing and diagnosis, creating a veterinary diagnostic laboratory board and making an appropriation.

By Senators Clausung, Schultz, Burke, Erpenbach, Decker, Jauch, Fitzgerald, Moen, Rude, Huelsman, Baumgart, Breske, A. Lasee, Roessler and Drzewiecki; cosponsored by Representatives Ott, Plouff, Lassa, Reynolds, Musser, Urban, Kestell, Spillner, Schneider, Hasenohrl, Hahn, Olsen, Hutchison, Hundertmark, Gronemus, Kreuser, Ainsworth, Ladwig, Brandemuehl, Turner, Pettis, Huebsch, Klusman, Petrowski, Rhoades, Kaufert, Gunderson, Freese, Sykora and Albers.

To committee on **Agriculture, Environmental Resources and Campaign Finance Reform**.

### **Senate Bill 359**

Relating to: exempting from taxation certain amounts of pension income received by an individual.

By Senators Wirch, Erpenbach, Grobschmidt, Darling, Roessler and Schultz; cosponsored by Representatives Waukau, Reynolds, Plale, Gronemus, Kaufert, Bock, Ryba, J. Lehman, Hasenohrl, Staskunas, Plouff, Kreuser, Musser, Leibham, Gunderson, F. Lasee and Kreibich.

To joint survey committee on **Tax Exemptions**.

## **REPORT OF COMMITTEES**

The committee on **Education** reports and recommends:

### **Assembly Bill 367**

Relating to: school district open enrollment and tuition waivers and payments.

Concurrence.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Darling, Roessler, Huelsman, Lazich and Farrow.

Noes, 0 – None.

### **Senate Bill 241**

Relating to: programs for children at risk of not graduating from high school.

Introduction and adoption of Senate amendment 1.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Darling, Roessler, Huelsman, Lazich and Farrow.

Noes, 0 – None.

Passage as amended.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Darling, Roessler, Huelsman, Lazich and Farrow.

Noes, 0 – None.

### **Senate Bill 242**

Relating to: planning grants for retained 4th graders and making an appropriation.

Passage.

Ayes, 8 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Darling and Roessler.

Noes, 3 – Senators Huelsman, Lazich and Farrow.

### **Senate Bill 264**

Relating to: granting high school diplomas to certain veterans.

Passage.

Ayes, 11 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Erpenbach, Darling, Roessler, Huelsman, Lazich and Farrow.

Noes, 0 – None.

### **Senate Bill 309**

Relating to: the number of school districts to which a pupil may apply under the open enrollment program.

Passage.

Ayes, 10 – Senators Grobschmidt, Jauch, Shibilski, Baumgart, Robson, Darling, Roessler, Huelsman, Lazich and Farrow.

Noes, 1 – Senator Erpenbach.

Richard Grobschmidt  
Chairperson

The committee on **Health, Utilities, Veterans and Military Affairs** reports and recommends:

### **Assembly Bill 448**

Relating to: Vietnam veteran eligibility for veterans benefits.

Concurrence.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

### **Assembly Bill 77**

Relating to: authorizing the activation of the national guard for public disasters related to the year 2000 computer issues.

Concurrence.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

BIE, AVIE, of Madison, as a member of the Public Service Commission, to serve for the interim term ending March 1, 1999 and for the full term ending March 1, 2005.

Confirmation.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

### **Senate Bill 215**

Relating to: deferred payment agreements between public utilities and customers.

Introduction and adoption of Senate substitute amendment 1.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

Passage as amended.

Ayes, 6 – Senators Moen, Breske, Robson, Erpenbach, Rude and Drzewiecki.

Noes, 1 – Senator Welch.

### **Senate Bill 299**

Relating to: the requirements for examinations for nursing home administrator licenses and for reciprocal nursing home administrator licenses and granting rule-making authority.

Passage.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

**Senate Bill 335**

Relating to: prescription drug assistance for elderly persons and making appropriations.

Passage.

Ayes, 5 – Senators Moen, Breske, Robson, Erpenbach and Drzewiecki.

Noes, 2 – Senators Welch and Rude.

**Senate Bill 350**

Relating to: requiring insurers to establish internal grievance procedures, independent review of certain coverage determinations made by health benefit plans and granting rule-making authority.

Passage.

Ayes, 7 – Senators Moen, Breske, Robson, Erpenbach, Welch, Rude and Drzewiecki.

Noes, 0 – None.

Rodney Moen  
Chairperson

The committee on **Labor** reports and recommends:

**Senate Bill 250**

Relating to: an annual report of the racial or ethnic background, gender and salary of each senior level management employee in this state and providing penalties.

Passage.

Ayes, 3 – Senators Baumgart, Decker and Breske.

Noes, 2 – Senators Zien and Farrow.

**Senate Bill 279**

Relating to: apprenticeship training and making appropriations.

Passage.

Ayes, 5 – Senators Baumgart, Decker, Breske, Zien and Farrow.

Noes, 0 – None.

**Senate Bill 297**

Relating to: membership of the employee trust funds board and the Wisconsin retirement board.

Passage.

Ayes, 5 – Senators Baumgart, Decker, Breske, Zien and Farrow.

Noes, 0 – None.

Jim Baumgart  
Chairperson

The joint survey committee on **Retirement Systems** reports and recommends:

**Senate Bill 326**

Relating to: the making of additional retirement contributions by participants in the Wisconsin retirement system; deferred compensation programs established by the deferred compensation board; purchase of forfeited creditable service under the Wisconsin retirement system; reimbursement of moneys paid by the department of employee trust funds as a result of misrepresentation, fraud or error; and creditable military service under the Wisconsin retirement system (suggested as remedial legislation by the department of employee trust funds).

This bill is good public policy.

Referred to committee on **Economic Development, Housing and Government Operations.**

Robert Wirsch  
Senate Chairperson

The committee on **Senate Organization** reports and recommends:

**Assembly Bill 44**

Relating to: the joint committee on information policy.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Rude.  
Noes, 0 – None.

**Assembly Joint Resolution 95**

Relating to: the life and public service of Representative Francis J. Lallensack.

Concurrence.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and Rude.  
Noes, 0 – None.

Charles Chvala  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**State of Wisconsin**

January 31, 2000

The Honorable, The Senate:

This is to advise you that effective immediately, I am resigning from the Senate committee on Finance, the joint committee on Finance, the Joint Survey committee on Retirement Systems and the Retirement Research Committee,

Thank you.

Sincerely,

MARY PANZER  
Senate Minority Leader

**State of Wisconsin**

**Joint Committee on Legislative Organization**

January 28, 2000

The Honorable, The Legislature:

On behalf of the joint committee on Legislative Organization (JCLO), we are pleased to announce the appointment of **Terry C. Anderson** as the Director of the Legislative Council Staff. Mr. Anderson will begin on March 13, 2000. Mr. Anderson has 23 years' experience with the nonpartisan South Dakota Legislative Research Council, serving as its Director for the past 17 years. Mr. Anderson has also been very active in the National Conference of State Legislatures (NCSL), serving the NCSL as its staff chair, a member of its Executive Committee and in numerous other capacities.

We look forward to Terry Anderson's tenure as Director of the Legislative Council Staff, and ask that you join us in wishing him well in this position.

Sincerely,

PRESIDENT FRED A. RISSE  
Cochairperson

SPEAKER SCOTT R. JENSEN  
Cochairperson

**State of Wisconsin  
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolution or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
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1999 Senate Joint Resolution 33	Enrolled Joint Resolution, 6	N/A
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Sincerely,  
DOUGLAS LA FOLLETTE  
Secretary of State

**State of Wisconsin  
Joint Legislative Council**

January 27, 2000

The Honorable, The Senate:

I am pleased to transmit to you the following report to the 1999 Legislature on legislation introduced by the Joint Legislative Council.

RL 99-14    Legislation on Discipline of Health Care Professionals (1999 Senate Bills 317 and 318)

I would appreciate your including this letter in the journal for the information of the membership. Additional copies of this report are available at the Legislative Council Staff offices, One East Main, Suite 401, or from our web page at [www.legis.state.wi.us/lc/jlc99recs.htm](http://www.legis.state.wi.us/lc/jlc99recs.htm).

Sincerely,  
JANE R. HENKEL  
Acting Director

**State of Wisconsin  
Milwaukee Public Schools**

January 28, 2000

The Honorable, The Senate:

Enclosed you will find a copy of the report entitled "State-Funded High/Scope All-Day Five-Year-Old Kindergarten Program and State-Funded High/Scope first Grade Program." This report summarizes the projects and the data collected for the 1998-1999 school year.

This report was prepared in response to Sections 119.71, 119.73, and 119.75 of the current state statutes.

Sincerely,  
MICKEY BEIL  
Governmental Relations Specialist  
Office of Governmental Relations

**State of Wisconsin  
Department of Administration**

January 24, 2000

The Honorable, The Legislature:

This report is transmitted as required by sec. 20.002(11)(f) of the Wisconsin Statutes, (for distribution to the appropriate standing committees under sec. 13.172(3) Stats.), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative balances during the month of December, 1999.

On December 1, 1999 the **Wisconsin Health Education Loan Repayment Fund** balance was -\$5 thousand. This Shortfall increase to -\$6 thousand on December 6, 1999 and continued into the month of January. As of the date of this letter, it is expected to be resolved in the near future. This shortfall is due to the timing of revenues.

On December 1, 1999 the **Wisconsin Health Insurance Risk Sharing Plan Fund** balance was -\$59 thousand. This Shortfall increase to -\$68 thousand on December 15, 1999, to -\$77 thousand on December 30, 1999, and continued into the month of January. As of the date of this letter, it is expected to be resolved in the near future. This shortfall is due to the timing of revenues.

The Wisconsin Health Education Loan Repayment Fund and Wisconsin Health Insurance Risk Sharing Plan Fund shortfalls were not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the Funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority.

Sincerely,  
GEORGE LIGHTBOURN  
Secretary

Referred to the joint committee on **Finance**.

**State of Wisconsin  
Legislative Audit Bureau**

December 30, 1999

The Honorable, The Legislature:

We have completed a financial audit of the State of Wisconsin Educational Communications Board Television Network to meet our audit requirements under s. 13.94, Wis. Stats., and as requested by the Educational Communications Board to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

The Educational Communications Board, which is an agency of the State of Wisconsin, operates a television network of five stations, as well as a radio network of ten FM stations and one AM station. The television network received \$10.6 million in support and revenue during fiscal year 1998-99, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes for the period July 1, 1998 through June 30, 1999. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by Educational Communications Board staff during the audit.

Sincerely,  
JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

December 30, 1999

The Honorable, The Legislature:

We have completed a financial audit of the State of Wisconsin Educational Communications Board Radio Network to meet our audit requirements under s. 13.94, Wis. Stats., and as requested by the Educational Communications Board to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

The Educational Communications Board, which is an agency of the State of Wisconsin, operates a radio network of ten FM stations and one AM station, as well as a television network of

five stations. The radio network received over \$6.2 million in support and revenue during fiscal year 1998–99, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes for the period July 1, 1998 through June 30, 1999. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by Educational Communications Board staff during the audit.

Sincerely,

JANICE MUELLER  
State Auditor

**State of Wisconsin  
Legislative Audit Bureau**

January 27, 2000

The Honorable, The Legislature:

We have completed an evaluation of county nursing home funding, as directed by the Joint Legislative Audit Committee. In fiscal year (FY) 1998–99, the State provided \$698.1 million in state and federal funds to care for Medical Assistance recipients requiring skilled care in 417 skilled nursing facilities, including 47 that are county-owned.

Administrators of county-owned facilities have expressed concern that current Medical Assistance funding is not sufficient to cover their costs. In FY 1998–99, 44 of the 47 facilities reported deficits, which totaled \$66.6 million. County officials argue these deficits were incurred, in part, because their facilities provide care to a disproportionate share of residents who present challenging behaviors in addition to their other medical needs and who are more costly to care for than other nursing home residents.

Based on our analysis, it appears that residents of county-owned facilities generally present more challenging behaviors than residents of privately owned facilities. For example, as part of the most recently completed facility certification survey, the percentage of residents reported to exhibit challenging behaviors was 41.9 percent in county-owned facilities, and 27.1 percent in privately owned facilities.

To address their concerns, county officials have suggested the State increase reimbursement through the Intergovernmental Transfer program, which provides direct supplemental payments to county-owned facilities. County officials believe additional reimbursement is justified because the percentage of county losses funded by this program has declined each year since the program's creation, from 86.1 percent in FY 1993–94 to 55.7 percent in FY 1998–99.

If the Legislature believes additional funding is warranted, it has a number of options for increasing reimbursements to counties and other skilled nursing facilities that serve individuals exhibiting challenging behaviors. However, such increases would require the Legislature to appropriate additional general purpose revenue to fund program costs, may serve as a disincentive to controlling county nursing home costs, and may hamper efforts to increase the amount of care provided in less restrictive, community-based settings.

We appreciate the courtesy and cooperation extended to us by the Department of Health and Family Services and by the county officials and administrators of the nursing facilities we

contacted during the course of the audit. The Department's response is Appendix IV.

Sincerely,  
JANICE MUELLER  
State Auditor

**State of Wisconsin  
Ethics Board**

February 1, 2000

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 1999 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

Beglinger, Robert **Wisconsin Federation of Teachers**  
Fitzgerald, Moira E **Northwestern Mutual Life Insurance Company**

Kammer, Peter **Wisconsin Energy Corporation**  
(formerly Wis Electric Power Co)

Kammer, Peter **Milwaukee Metropolitan Sewerage District**

Schwartz, Daniel **Wisconsin Association of Provider Networks**

Springer, Thomas J **Wisconsin Academy of Ophthalmology**

The Honorable, The Senate:

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,  
ROTH JUDD  
Director

**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 99–125**

Relating to the scheduling of certain drugs under ch. 961, Stats., the uniform controlled substances act.

Submitted by Department of Regulation and Licensing.

Report received from Agency, January 28, 2000.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, February 1, 2000.

The committee on **Economic Development, Housing and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 99–134**

Relating to delivery of an ordinance to adopt or repeal a county or premier resort area tax.

No action taken.

Robert Wirth  
Chairperson

Senator Robson, with unanimous consent, asked that the Senate recess until 11:51 A.M..

10:36 A.M.

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**RECESS**

11:51 A.M.

The Senate reconvened.  
Senator Risser in the chair.

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**SECOND READING AND AMENDMENTS  
OF SENATE JOINT RESOLUTIONS AND  
SENATE BILLS**

**Senate Bill 99**

Relating to: certain statutes dealing with motor vehicle dealers, salespersons and sales finance companies (Revision Bill).

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 99**

Read a third time and passed.

**Senate Bill 215**

Relating to: deferred payment agreements between public utilities and customers.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 215**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 215**

Read a third time and passed.

**Senate Bill 241**

Relating to: programs for children at risk of not graduating from high school.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 241**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 300**.

Senator Zien, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 448**.

Senator Drzewiecki, with unanimous consent, asked to be added as a coauthor of **Senate Bill 300**.

Senator Drzewiecki, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 448**.

**Senate Bill 241**

Read a third time and passed.

**Senate Bill 242**

Relating to: planning grants for retained 4th graders and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 242** be referred to the Joint Committee on **Finance**.

**Senate Bill 259**

Relating to: creating a consumer privacy advocate in the department of justice and making an appropriation.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 259** be referred to the Joint Committee on **Finance**.

**Senate Bill 264**

Relating to: granting high school diplomas to certain veterans.

Read a second time.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 264**

Read a third time and passed.

**Senate Bill 294**

Relating to: supplemental funding for elderly nutrition programs and making appropriations.

Read a second time.

Senator Rude, with unanimous consent, asked to be added as a coauthor of **Senate Bill 294**.

Senator Burke, with unanimous consent, asked that **Senate Bill 294** be referred to the Joint Committee on **Finance**.

**Senate Bill 300**

Relating to: low-speed vehicles, granting rule-making authority and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

**Senate Bill 300**

Read a third time and passed.

**Senate Bill 335**

Relating to: prescription drug assistance for elderly persons and making appropriations.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 335** be referred to the Joint Committee on **Finance**.

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**SECOND READING AND AMENDMENTS  
OF ASSEMBLY JOINT RESOLUTIONS AND  
ASSEMBLY BILLS**

**Assembly Bill 448**

Relating to: Vietnam veteran eligibility for veterans benefits.

Read a second time.

Senator Baumgart, with unanimous consent, asked to be added as a coauthor of **Senate Bill 322**.

Senator Moore, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 448**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 335**.

Senator Moore, with unanimous consent, asked to be added as a coauthor of **Senate Bill 264**.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked to be added as a cosponsor of **Assembly Bill 448**.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Assembly Bill 448**

Read a third time and concurred in.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

### **ANNOUNCEMENTS, ADJOURNMENT HONORS AND REMARKS UNDER SPECIAL PRIVILEGE**

#### **RULING OF THE CHAIR**

On Tuesday, January 25, 2000, the Senator from the 14<sup>th</sup>, Senator Welch, moved that the rules be suspended and that **Senate Bill 273** be withdrawn from the Committee on Agriculture, Environmental Resources and Campaign Finance Reform and taken up at this time.

The Senator from the 16<sup>th</sup> raised a point of order that the motion was out of order at this time.

The Chair took the point of order under advisement.

Mason's Manual, Section 282(2) speaks to this circumstance. It reads in part:

"A motion to suspend the rule may be made either under the order of business of motions and resolutions or under the order of business which relates to the matter proposed to be considered under suspension of the rules".

The Senate has established a clear precedent over the past 20 years or more that motions to withdraw a proposal from committee are to be made under the 14<sup>th</sup> Order of Business. Motions may be offered. One of the most recent written rulings on this was in the 1982 session, when the Senator from the 14<sup>th</sup>, at that time, Senator Lorge, moved that **Senate Bill 493** be withdrawn from committee and taken up immediately. A point of order was raised that the motion was not properly before the Senate. The Chair ruled the point well taken, based on previous rulings the precedent of the Senate was well established that motions to withdraw bills is restricted to the 14<sup>th</sup> order of business.

It is clear to the Chair, that although the general belief is that a motion to suspend the rules may be made at anytime, that is true only under the order of business which relates to the matter proposed to be considered. Mason's Manual, section 282(1) also states that a motion to suspend the rules may be made at anytime *when no question is pending*. The motion by the Senator from the 14<sup>th</sup>, was made while a question relating to Assembly Joint Resolution 48 was pending. Also, the motion related to a Senate Bill. Senate bills are considered under the 11<sup>th</sup> Order of Business, the Senate was on the 12<sup>th</sup> Order of Business when the motion was entered.

The precedent of the Senate is very clear, motions related to the withdrawal of proposals from committee are to be made on the 14<sup>th</sup> Order of Business. The motion offered by the Senator from the 14<sup>th</sup> was not in compliance with Section 282 of Mason's Manual, now therefore, it is the opinion of the Chair that the point of order raised by the Senator from the 16<sup>th</sup>, Senator Chvala, is well taken.

Senator Chvala, with unanimous consent, asked that when the Senate adjourn, it do so in honor and memory of Joseph Francis Chvala who passed away on January 1, 2000 at Rest Haven Health Care Center with his wife Eileen at his side. Joseph was born on December 20, 1920 in Prentice, Wisconsin to Joseph and Anna Chvala. His parents were of Bohemian and German descent. Joe was the second youngest of six children; Frank, Ted, Beatrice, Clarabelle and John. Growing up in

Tomahawk, Wisconsin, he attended St. Mary's grade school and went on to graduate from Tomahawk High School. He was an athlete – a part of the championship basketball team and he was well liked by his peers – they elected him class president. After graduating from high school, Joe went on to the University of Wisconsin at Oshkosh for 2 years. He was a good student there and was elected Student Body President and was a member of the football team. In 1942 he joined the United States Navy Air Force in World War II. He was stationed in England. From the bases he would fly B-24 bombers doing submarine patrol over the Bay of Biscay. He flew 33 missions including flying with Joseph Kennedy, brother of President John F. Kennedy, and once landing a badly damaged plane. For his service there he earned the Distinguished Flying Cross. Coming back to the United States he returned to college, this time attending the University of Wisconsin at Madison. He completed his Bachelor of Arts and went on to attend the Law School which he graduated from in 1949. It was there that he met his wife. Always a family man, Joe started his own family by marrying Eileen Drunasky on October 20, 1951 at the Sacred Hearts Church in Sun Prairie. Eileen was then a teacher and the happy couple went to New Orleans for their honeymoon. When they returned, Joe began work at American Family Insurance. He worked his way up to and served as Vice President of Operations until 1987. During these years, the Chvala family grew. Eileen and Joe have six children, John, JoAnna, Kathleen, Robert, Ellen and Carol. Kathy passed in May of 1999. Joe and his family went on vacations in Tomahawk where he and Jack built a cottage upon returning from World War II. He and Eileen later built a cottage next door in 1989. Joe traveled all over the world; he visited all 50 states. he especially enjoyed Alaska, Gulf Shores, Alabama, and Bonita Beach, Florida. Outside of the United States, he went back to England to tour the country, Scotland, Ireland and Czechoslovakia. Other travels include Egypt, Japan, Mexico and Spain. People often speak about how active Joe has always been; he golfed, bowled, played bridge, went cross-country skiing and swimming. He was also a member of the Knights of Columbus. Even when Joe retired from American Family Insurance, he practiced law with the firm of Boushea, Johnson and Chvala.

Senator Panzer, with unanimous consent, asked that when the Senate adjourn, it do so in memory and honor of Wanda A. Roevers a long time family friend. Wanda A. Roevers, nee Taggart, 63, of Slinger died Thursday, Jan. 27, 2000 at St. Joseph's Community Hospital of West Bend. She was born June 21, 1936, in Manawa to Robert and Evelyn (nee Kostrzak) Taggart, and married John T. "Jack" Roevers on August 31, 1957 in Manawa, she attended Little Wolf High School and was a graduate of the Class of 1954. She then attended UW-Oshkosh for four years, graduating in 1958 with a BS Degree in Education. She did post-graduate work at the University of Toronto Canada, UW-Milwaukee and Carroll College of Waukesha, completing her Master's Degree. Her Master's Degree was awarded in Carl Orff Method of Music Education. After marriage, the couple lived in Wauwatosa, where she taught in the Elmbrook School District. The couple finally settled in Washington County in 1965. She was a newspaper reporter for the West Bend Daily News. In 1972, she became treasurer for the town of Polk for 10 years. She then became the State Director for the U.S. Senate for Sen. Robert W. Kasten for 12 years, retiring in 1993. Afterward, she devoted herself to volunteer activities as the Washington County Representative for the Southeast Regional Health Planning Commission and the Washington County Humane Society. She was presently active with the Republican Party of Washington County, the Wisconsin Sesquicentennial Committee of Washington County, the vice-chair of the Washington County Civil Service



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Commission and chairperson for the Wisconsin Medical Examining Board. A member of St. Peter's Catholic Church of Slinger, she was a devoted wife, mother and daughter who loved plants and flowers.

Senator Clausen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of the Chippewa Valley Rally 2000 and the 78 representatives that will be in Madison for the rally February 2.

Senator Drzewiecki, with unanimous consent, asked that

when the Senate adjourn, it do so in honor of the Pulaski Red Raiders who took first place in the Red Raider Wrestling Invitational out of 10 teams.

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**ADJOURNMENT**

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Wednesday, February 2 at 10:00 A.M..

Adjourned.

12:19 P.M.